

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Stephen Zarate,

Case No.: 2:22-cv-01448-JAD-BNW

Petitioner

## Order Dismissing Action

V.

## Clark County Detention Center,

## Respondent

On September 6, 2022, Stephen Zarate, who is apparently incarcerated at the Clark  
y, Nevada, Detention Center, filed an application to proceed *in forma pauperis*,<sup>1</sup> initiating  
tion. I summarily dismiss this action because Zarate has not paid the filing fee, has not  
complete application to proceed *in forma pauperis*, and has not submitted a petition for  
f habeas corpus.

Zarate's application to proceed *in forma pauperis* is incomplete because the financial  
cate in the application is not signed by a detention center officer. For this reason, I deny  
's *in forma pauperis* application. And, because Zarate has not paid the filing fee and has  
ed a proper *in forma pauperis application*, I also dismiss this case.

Furthermore, while it appears from Zarate's *in forma pauperis* application that he intended to initiate a habeas corpus action, he has not submitted a petition for writ of habeas corpus. So I dismiss this action on this further and alternative ground. This dismissal is without prejudice to Zarate initiating a new habeas corpus action by submitting a habeas petition along with payment of the filing fee or a proper application to proceed *in forma pauperis*. I direct the Clerk to send Zarate the necessary forms.

<sup>1</sup> ECF No. 1.

1 IT IS THEREFORE ORDERED that Petitioner's Application to Proceed *in Forma*  
2 *Pauperis* (ECF No. 1) is **DENIED**.

3 IT IS FURTHER ORDERED that **this action is DISMISSED** without prejudice, and the  
4 Clerk of the Court is directed to **ENTER JUDGMENT ACCORDINGLY** and **CLOSE THIS**  
5 **CASE**. A certificate of appealability is **DENIED** because jurists of reason would not find  
6 debatable whether the Court is correct in dismissing this action.

7 IT IS FURTHER ORDERED that **the Clerk of the Court is directed to:**

- 8 • **ADD** Aaron D. Ford, Attorney General of the State of Nevada, to the docket for  
9 this case, as counsel for the Respondents.
- 10 • **SERVE** the Respondents with a copy of the habeas petition (ECF No. 1) and a  
11 copy of this order. Respondents need take no action with respect to this case.
- 12 • **SEND** Petitioner a copy of the forms for an application to proceed *in forma*  
13 *pauperis*, a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, and a  
14 petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

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16 U.S. District Judge Jennifer A. Dorsey  
17 September 16, 2022